IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 17484 of 2005(F)

PETITIONER:

A.S.GEETHA, REP. BY HER POWER OF
ATTORNEY HOLDER SYAMKRISHNAN J., S/O.JAYAKUMAR K.,
B.B. COLLEGE, KAILAS NAGAR, CHENGALLUR,
POOJAPPURA P.O., THIRUVANANTHAPURAM FROM
T.C.2/1334, MANGANNOORKONAM LANE, PATTOM WEST,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA

RESPONDENTS:

V.R.UMADEVI, D/O.LATE VILASINI DEVI,
AGED 37 YEARS, TC.2/3073, M.P.S.,
B/99, WEST PATTOM, THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 17484 OF 2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF ATTORNEY DT.16.10.04.

EXT.P2 : TRUE COPY OF THE PLAINT IN OS NO.1543 OF 2004.

EXT.P3 : TRUE COPY OF THE APPEAL MEMORANDUM IN CMA NO.199 OF 2004.

EXT.P4 : TRUE COPY OF THE COMPROMISE PETITION.

EXT.P5 : TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANT.

EXT.P6 : TRUE COPY OF THE APPLICATION FOR ENLARGEMENT OF TIME AND ACCEPTANCE OF WRITTEN STATEMENT FILED BY THE DEFENDANT.

EXT.P7 : TRUE COPY OF THE ORDER DT.20.5.2005 IN IA NO.2051 OF 2005 IN OS NO.1543 OF 2004 ON THE FILE OF THE II ADDITIONAL MUNSIFF'S COURT, TRIVANDRUM.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 17484 OF 2005

Dated this the 11th day of June, 2007

JUDGMENT

Service on the respondent is declared sufficient. Respondent is absent. Under Ext.P7 order the written statement filed by the petitioner was rejected by the court below on the ground that the court has now power to admit written statements which are filed beyond 90 days of defendant receiving summons. The issue is covered by judgment of the Supreme Court in **Kailash v. Nanhku** [2005 (2) KLT 623]. Following that judgment, Ext.P7 is set aside and the court below is directed to receive the written statement filed by the petitioner on file, and formulate issues and proceed with the suit in accordance with law.

PIUS C. KURIAKOSE, JUDGE

btt